

ESTTA Tracking number: **ESTTA439249**

Filing date: **11/03/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201685
Party	Plaintiff Goya Foods, Inc.
Correspondence Address	Stephen L. Baker Baker & Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com,k.hnasko@br-tmlaw.com
Submission	Motion for Default Judgment
Filer's Name	Linda Kurth
Filer's e-mail	officeactions@br-tmlaw.com,k.hnasko@br-tmlaw.com
Signature	/Linda Kurth/
Date	11/03/2011
Attachments	motion for default.pdf ( 4 pages )(59012 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Goya Foods, Inc.	<b>Opp. No.</b>	91201685
	<b>Mark:</b>	JOYA
Opposer	<b>Ser. No.:</b>	85305128
v.	<b>Filing Date:</b>	April 26, 2011
Boundary Waters Brands, LLC.,		
.Applicant		
-----X		

REQUEST FOR ENTRY OF DEFAULT

On September 20, 2011, counsel for the Opposer served Applicant with the Notice of Opposition. Also on September 20, 2011, the Board issued its Scheduling Order and provided the due date for Applicant's Answer, namely October 20, 2011. On October 26, 2011, we received the attached email in which the attorney for applicant indicated that applicant would not be filing an answer. We have no record of the Applicant filing any such answer and a search of the TTAB website similarly reveals that no answer has been filed. As a result, Opposer respectfully requests that a default be entered.

Respectfully submitted for Opposer  
Goya Foods, Inc.

By: /s/Linda Kurth  
Linda Kurth  
BAKER and RANNELLS PA  
575 Route 28, Suite 102  
Raritan, NJ 08869  
jmr@br-tmlaw.com  
(908) 722-5640

Dated: November 4, 2011

**Linda Kurth**

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**From:** Tara J. Anderson [tara.anderson@fmjlaw.com]  
**Sent:** Wednesday, October 26, 2011 5:50 PM  
**To:** l.kurth@br-tmlaw.com  
**Cc:** s.baker@br-tmlaw.com  
**Subject:** RE: Goya Foods, Inc. v Boundary Waters Brands - opposition JOYA

Hi Linda,

With respect to the email below, I just wanted to let you know that our client is not planning to respond to the opposition.

If you have any questions, please let me know.

Thank you!

Tara J. Anderson  
Fafinski Mark & Johnson, PA  
Flagship Corporate Center  
775 Prairie Center Drive, Suite 400  
Eden Prairie, MN 55344  
Main: (952) 995-9500  
Direct: (952) 224-8360  
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[www.fmjlaw.com](http://www.fmjlaw.com)

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**From:** Linda Kurth [mailto:l.kurth@br-tmlaw.com]  
**Sent:** Tuesday, September 20, 2011 10:27 AM  
**To:** Tara J. Anderson  
**Cc:** s.baker@br-tmlaw.com  
**Subject:** Goya Foods, Inc. v Boundary Waters Brands - opposition JOYA  
**Importance:** High

Dear Ms. Anderson

We are intellectual property counsel to Goya Foods, Inc. Attached please find an email courtesy copy of the notice of opposition that we filed today with respect to U.S. Trademark Application Serial Number 85305128 for the mark JOYA. The notice is also being sent to you today via first class mail.

We look forward to your response.

Stephen L. Baker



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Facsimile: (908) 725-7088  
E-mail: [s.baker@br-tmlaw.com](mailto:s.baker@br-tmlaw.com)  
[www.tmlawworldwide.com](http://www.tmlawworldwide.com)

This email is confidential and may be legally privileged. If you received it in error please notify us immediately. If you are not the intended recipient you should not copy it, disclose its contents to others, or use it for any purpose.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Motion for Default was forwarded by email and first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 4th day of November, 2011 to the attorney for the Applicant at the following address:

TARA J. ANDERSON  
FAFINSKI, MARK & JOHNSON, P.A.  
775 PRAIRIE CENTER DR STE 400  
EDEN PRAIRIE, MN 55344-7322  
tara.anderson@fmjlaw.com

/ Linda Kurth/  
Linda Kurth